

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM E. UNDERLAND and
MARK SCHALLER, *on behalf of
themselves and all others similarly
situated,*

Plaintiffs,

v.

CIVIL ACTION
NO. 10-3621

DENNIS ALTER, WILLIAM ROSOFF,
PHILIP BROWNE, DAVID
WEINSTOCK, ROBERT BLANK,
MAX BOTEL, THOMAS COSTELLO,
DANA BECKER DUNN, RONALD
LUBNER, OLAF OLAFSSON,
MICHAEL STOPLER, and KPMG LLP;
Defendants.

FILED

SEP 09 2011

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 9th day of September 2011, in accordance with the foregoing reasons, it is hereby **ORDERED** that:

- 1) The Advanta Defendants' Motion to Dismiss is **GRANTED IN PART**. For the reasons set forth in the accompanying opinion, Plaintiffs have not sufficiently alleged that the following misstatements are actionable: (1) Advanta's predictions about the likelihood of an early amortization event; (2) its assessment of its capital levels as "strong;" (3) alleged misstatements and omissions about Advanta's commitment to maintaining and strengthening customer relationships, and; (4) descriptions of Advanta's methodology for accessing and monitoring customer creditworthiness; and,
- 2) KPMG LLP's Motion to Dismiss is **GRANTED**; and,

- 3) Plaintiffs are granted leave to amend their Complaint on or before **October 9, 2011**.

It is so **ORDERED**.

BY THE COURT:


HON. CYNTHIA M. RUFÉ